

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
May 5, 2006

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, May 5, 2006, from 12:00 noon until 3:00 p.m.

1. Members present. Robert R. Aylsworth, John J. Boyce, W. Timothy Crowley, Steve David, Marilyn A. Moores, Brett J. Niemeier, Daniel Lee Pflum, R. Paulette Stagg, Frank Sullivan and Charles F. Pratt, Chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on March 3, 2006 were approved.
4. Cole v. Hutchison. Committee members discussed **Cole v. Hutchison**, No. 45A05-0506-JV-312 (Ind. Ct. App. December 14, 2005), *transfer denied*. The trial court denied father's motion for relief from child support based on a DNA test taken by agreement of the parties and court order, which indicated Cole was not the biological father. The DNA test was taken five (5) years after paternity was established. The appellate court upheld this trial court decision based on **Fairrow**, which prevents paternity contests, "without externally obtained clear medical proof." Members of the committee discussed whether the trial court should have ordered the DNA test after father waived it shortly after the birth. They also discussed the use of paternity testing in connection with paternity affidavits.
5. District of Columbia Superior Court, "Family Treatment Court." Justice Sullivan distributed materials describing a family treatment court in the District of Columbia Superior Court. It was based on the drug court model. Judge Pratt described a privately funded program in Allen County of a similar nature. Judge Neimeier discussed a "Parents-Drug Court" for CHINS cases in Vanderburgh County. Justice Sullivan showed a DVD of a news report describing this program. Committee members agreed these programs could be added to the discussion of best practices at the Juvenile Court Judges Conference in June.
6. Recent legislation. Committee members discussed HEA 1001, which included a provision for funding for juvenile services, but did not pass with this included, and SEA 139, which includes time limits for CHINS, paternity affidavit, wardship definition, hearing on death of child, and other provisions.
7. Next meeting dates. Committee members agreed to meet again on the following dates: June 2, October 6 and November 3, 2006, all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services